IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4398 OF 2005

Shankar Khashaba Desai (Sutar) ..Petitioner.

Versus

Shri Ananda Babaji Jadhav ..Respondent.

Mr. V.B. Tapkir for the Petitioner.

CORAM : S. A. BOBDE, J.

DATED : 12TH JULY, 2005.

P.C.:

. The petitioner has filed this petition against the order of the appellate court, refusing to condone delay of 7 months and 22 days in filing the Appeal. The learned appellate court has found that summons was duly served on the petitioner and the first date of appearance was 21.10.1000. Thereafter, the petitioner appeared and sought time to file written statement and then started remaining absent on the dates mentioned in the order. Finally, the trial court had to pass an ex-parte judgment. In spite of this record, the

petitioner contended before the appellate court falsely, that no notice has been served on him and that the Bailiff has made a false report. Having regard to this finding, it is inappropriate to exercise the extraordinary jurisdiction of this court, which should not be exercised at the instance of a litigant, who has raised such a baseless contention. Petition is dismissed.

12.07.2005 (S.A.BOBDE,J.)

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